

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION

CEDRIC MAUREL HARRIS,)	
)	
Petitioner,)	
vs.)	Case No. 6:11-cv-2799-TMP
)	
ADAM HADDER, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER OF DISMISSAL

The magistrate judge filed a report and recommendation on November 18, 2011, recommending that this *habeas* action be dismissed with prejudice because petition is time barred under 28 U.S.C. § 2244(d). Petitioner filed objections to the report and recommendation on December 1, 2011. Having now carefully reviewed and considered *de novo* the report and recommendation, the objections, and other materials in the court file, the court agrees with the magistrate judge that petitioner's claims in this action are time barred. Alternatively, the court notes that the only ground for *habeas* relief alleged in the petition is that his conviction is tainted by evidence seized during an illegal arrest.¹ Such claim grounded on an alleged Fourth Amendment violation does not warrant *habeas* relief. See Stone v. Powell, 428 U.S. 465, 482, 96 S. Ct. 3037, 3052, 49 L. Ed. 2d 1067 (1976) (“[W]here the state has provided an opportunity for full and fair litigation of a Fourth Amendment claim, a state prisoner may not be granted federal habeas corpus relief on the ground that evidence obtained in an unconstitutional search or seizure was introduced at his trial.”).

¹ In fact, the petitioner pleaded guilty to the charge, thereby waiving this claimed violation.

For these reasons, the court ADOPTS the report of the magistrate judge and ACCEPTS his recommendation that this *habeas* action be and hereby is DISMISSED WITH PREJUDICE.

The Clerk is DIRECTED to mail a copy of the foregoing to the petitioner.

DONE this 19th day of December, 2011.

A handwritten signature in black ink, reading "Robert B. Propst". The signature is written in a cursive, flowing style with a large initial 'R' and 'P'.

ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE